

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

February 1, 2005

**Agenda ID #4290**  
**Quasi-Legislative****TO: PARTIES OF RECORD IN RULEMAKING 03-04-003****RE: NOTICE OF AVAILABILITY OF DRAFT DECISION ON ORDER  
ADOPTING REPORT IN FULFILLMENT OF SENATE BILL 1563**

Consistent with Rule 2.3(b) of the Commission's Rules of Practice and Procedure (Rules), I am issuing this Notice of Availability of the above-referenced draft decision. The draft decision of Assigned Commissioner Susan Kennedy in the Commission's rulemaking to investigate the deployment of advanced telecommunications technologies, as required by Assembly Bill 1563, was issued on February 1, 2005. An Internet link to this document and the report described below was sent via e-mail to all parties on the service list who provided an e-mail address to the Commission. An electronic copy of the document can be viewed and downloaded at the Commission's Website ([www.cpuc.ca.gov](http://www.cpuc.ca.gov)).

The draft decision would adopt a report entitled "Broadband Deployment in California." This report is identified in the draft decision as "Attachment A." You may access the report at [www.cpuc.ca.gov/broadbandreport](http://www.cpuc.ca.gov/broadbandreport). If you would like a hard copy of the report, or are having problems downloading the report and would like to be sent an electronic copy via e-mail please contact Phyllis White at (415) 703-1955, or at [prw@cpuc.ca.gov](mailto:prw@cpuc.ca.gov).

Parties to the proceeding may file comments on the draft decision and the associated report as provided in Article 19 of the Commission's Rules. These rules are accessible on the Commission's Website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov). Because the Commission seeks comments on the broadband report, which addresses numerous and complex technical, regulatory and policy issues, the Commission hereby waives the page limit for opening comments set forth in Rule 77.3. In addition, the Commission waives the page limit for reply comments set in Rule 77.5 and instead limits reply comments to no more than 10 pages. Comments must be served separately on the Administrative Law Judge, the Assigned Commissioner, and Phyllis White for the Telecommunications Division Staff. I suggest hand delivery, overnight mail, or other expeditious method of service. If possible, electronic copies of comments should be provided to Phyllis White at [prw@cpuc.ca.gov](mailto:prw@cpuc.ca.gov) at the same time they are mailed.

The draft decision will not appear on the Commission's agenda for at least 30 days after the date it is mailed. This matter was categorized as quasi-legislative pursuant to Pub. Util. Code § 1701.3(c). The Commission may act at the regular meeting, or it may postpone action until later. When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision.

/s/ ANGELA K. MINKIN  
Angela K. Minkin, Chief  
Administrative Law Judge

Decision **DRAFT DECISION OF COMMISSIONER KENNEDY**  
**(Mailed 2/1/2005)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion to Comply with the  
Mandates of Senate Bill 1563 regarding  
deployment of Advanced Telecommunications  
Technologies.

Rulemaking 03-04-003  
(Filed April 3, 2003)

**ORDER ADOPTING REPORT  
IN FULFILLMENT OF SENATE BILL 1563****I. Summary**

This decision releases the report of the Commission entitled *Broadband Deployment in California*, attached to this decision as Attachment A. This decision and report satisfy the requirements of Senate Bill (SB) 1563 (Ch. 674, Stats. 2002).

The report finds generally that advanced telecommunications technologies are increasingly central to the needs of families, the state's economy and the vitality of local communities. We find that California leads the nation in the deployment of broadband services and usage, and yet must continue to advance forward-looking public policies and programs that will ensure the state's continued leadership in deploying new advanced telecommunications technologies. Accordingly, we find that California should consider policies in several key areas, among them, improving access to rights-of-way, modifying the role of Commission approval of new networks and new providers of telecommunications services, and encouraging the examination of broadband deployment over existing power lines. The report also finds that the widespread

adoption of Voice Over Internet Protocol services and other innovative services is likely to spur the deployment of broadband networks in California. Finally, the report discusses several ways to ensure broadband services are available to communities such as lower-income Californians, residents of rural areas, and the disabled community.

## **II. Background**

The Commission opened this rulemaking in order to satisfy the requirements of SB 1563. The Commission investigated the issues in this proceeding by soliciting written comments, holding workshops and community meetings, and conducting independent research on a number of issues affecting the deployment of broadband in California. The Commission held a prehearing conference on September 15, 2003 at which parties discussed the scope of issues and the schedule in this proceeding. The Commission also conducted a full panel hearing on February 8, 2005 at which parties and members of the community addressed the draft report in this proceeding, which was released on February 1, 2005.

## **III. Assigned Commissioner and Administrative Law Judge**

Susan Kennedy is the Assigned Commissioner in this proceeding. Kim Malcolm is the Assigned Administrative Law Judge.

## **IV. Comments on Proposed Decision**

The Assigned Commissioner issued a draft decision for public comment on February 1, 2005. Numerous parties filed comments on the draft order and accompanying draft report. Opening comments were filed February 15, 2005. Reply comments were filed February 22, 2005.

## **Findings of Fact**

1. The report attached as Attachment A fulfills the requirements of SB 1563.

2. The Commission conducted its SB 1563 inquiry by soliciting comments from, and considering the comments of, a wide array of community groups, individuals, service providers and other parties.

**Conclusions of Law**

1. The Commission should adopt the report attached as Attachment A as satisfying the requirements of SB 1563.

2. The Executive Director should be directed to submit copies of the attached report to the Governor and the California Legislature in fulfillment of SB 1563.

**IT IS ORDERED** that:

1. The report attached as Attachment A is adopted in fulfillment of SB 1563, as set forth herein.

2. The Executive Director shall submit copies of the attached report to the Governor and California State Legislature in fulfillment of SB 1563.

3. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

[Broadband Deployment Report - Appendices - Draft](#)

[Broadband Deployment Report - Draft Appendix to Draft Decision](#)